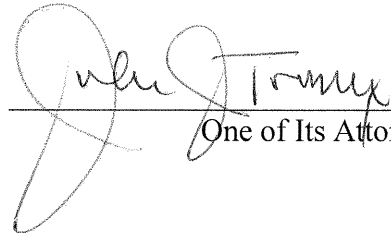


WHEREFORE, Plaintiff prays for the entry of judgment against Defendant, R
WAY TRUCKING, INC., an Illinois corporation and in favor of Plaintiffs, TRUSTEES
OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS in the amount of \$5,573.36.

TRUSTEES OF THE SUBURBAN TEAMSTERS
OF NORTHERN ILLINOIS WELFARE AND
PENSION FUNDS

By:

 7-21-08

One of Its Attorneys

JOHN J. TOOMEY
ARNOLD AND KADJAN
19 W. Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415

Service of Process:

1:08-cv-03308 Suburban Teamsters of the Northern Illinois Welfare and Pension Funds v. R Way Trucking, Inc.

MASON

United States District Court

Northern District of Illinois - CM/ECF LIVE, Ver 3.2.1

Notice of Electronic Filing

The following transaction was entered by Toomey, John on 7/2/2008 at 2:13 PM CDT and filed on 7/2/2008

Case Name: Suburban Teamsters of the Northern Illinois Welfare and Pension Funds v. R Way Trucking, Inc.
Case Number: 1:08-cv-3308
Filer: Suburban Teamsters of the Northern Illinois Welfare and Pension Funds
Document Number: 7

Docket Text:

AFFIDAVIT of Service filed by Plaintiff Suburban Teamsters of the Northern Illinois Welfare and Pension Funds regarding Alias Summons and Complaint served on Illinois Secretary of State on June 30, 2008 (Toomey, John)

1:08-cv-3308 Notice has been electronically mailed to:

John Joseph Toomey jtoomey100@hotmail.com

1:08-cv-3308 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1040059490 [Date=7/2/2008] [FileNumber=4969540-0]
[30d8f8c8f356e768f74ca136ab91337fe48a5d877efdf190e7abcbe89c4ffc50a050
be0ade22767d88bcec3967f50131dfc88d9dc344efc01aa97a5484747dce]]

Form BCA-5.25 (Rev. Jan. 2003)	AFFIDAVIT OF COMPLIANCE FOR SERVICE ON SECRETARY OF STATE	File # <u>65487527</u>
Jesse White Secretary of State Department of Business Services Springfield, IL 62756 Telephone (217) 524-6748 www.cyberdriveillinois.com	FILED JUN 30 2008 JESSE WHITE SECRETARY OF STATE	SUBMIT IN DUPLICATE This space for use by Secretary of State Date <u>6/30/08</u> Filing Fee \$10.00 Approved: <u>L.V.</u>
Remit payment in check or money order, payable to "Secretary of State."		

1. Title of the case and number of the case:
Trustees of the Suburban Teamsters of Northern Illinois Welfare and Pension Funds first named plaintiff
v.
R Way Trucking, Inc., an Illinois corporation first named defendant
Number 08 C 3308
2. Name of the corporation being served: R Way Trucking, Inc.
3. Title of the court in which an action, suit or proceeding has been commenced: United States District Court for the Northern District of Illinois
4. Title of the instrument being served: Alias Summons and Complaint
5. Basis for service on the Secretary of State (Check and complete appropriate box):
- a. ☒ The corporation's registered agent cannot with reasonable diligence be found at the registered office of record in Illinois.
 - b. ☐ The corporation has failed to appoint and maintain a registered agent in Illinois.
 - c. ☐ The corporation was dissolved on _____, _____; the conditions of paragraphs (a) or (b) above exist; and the action, suit or proceeding has been instituted against or has affected the corporation within 5 years thereafter.
(Month & Day) (Year)
 - d. ☐ The corporation's certificate of authority to transact business in Illinois has been (withdrawn)/ (revoked) on _____, _____.
(Month & Day) (Year)
 - e. ☐ The corporation is a foreign corporation that has transacted business in Illinois without procuring a certificate of authority, contrary to the provisions of the Business Corporation Act of 1983.
6. Address to which the undersigned has caused a copy of the attached process, notice or demand to be sent, by certified or registered mail: 1247 Trend Drive, Morris, Illinois 60540
7. The undersigned affirms, under penalties of perjury, that the facts stated herein are true.

John J. Toomey June 30 2008
Signature of Affiant Month & Day Year
(312) 236-0415
Telephone Number

RETURN TO: PLEASE TYPE OR PRINT CLEARLY

John J. Toomey, Arnold and Kadjan

19 W. Jackson Boulevard, Suite 300
NameChicago, Illinois 60604
StreetCity/Town State ZIP**TENDERED CHICAGO
CORP. DEPARTMENT****JUN 30 2008**ACCEPTANCE AND "FILED" DATE
ESTABLISHED ONLY AFTER
REVIEW BY SPRINGFIELD OFFICE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

ALIAS

SUMMONS IN A CIVIL CASE

TRUSTEES OF THE SUBURBAN
TEAMSTERS OF NORTHERN ILLINOIS
WELFARE AND PENSION FUNDS,

v.

R WAY TRUCKING INC., an Illinois
corporation

) Docket Number: 08 C 3308
)
)
) Judge Der-Yeghiayan
)
)
) Magistrate Judge Mason
)
)
)

TO: (Name and address of defendant)

R WAY TRUCKING, INC.
an Illinois corporation
c/o Secretary of State
69 W. Washington Street
Suite 1240
Chicago, Illinois

RECEIVED

JUN 30 2008

**JESSE WHITE
SECRETARY OF STATE**

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY:

JOHN J. TOOMEY
ARNOLD AND KADJAN
19 W. Jackson Boulevard, Suite 300
Chicago, Illinois 60604

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk

Date

(by) Deputy Clerk

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
SUMMONS IN A CIVIL CASE**

TRUSTEES OF THE SUBURBAN
TEAMSTERS OF NORTHERN ILLINOIS
WELFARE AND PENSION FUNDS,

v.

R WAY TRUCKING INC., an Illinois
corporation

) Docket Number: 08CV3308

) Assigned Judge: JUDGE DER-YEGHIAYAN

) Designated
) Magistrate Judge: MAGISTRATE JUDGE MASON

TO: (Name and address of defendant)

R WAY TRUCKING, INC.
an Illinois corporation
c/o Its President
Vincent D. Kern, Jr.
1247 Trend Drive
Morris, Illinois 60450

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY:

JOHN J. TOOMEY
ARNOLD AND KADJIAN
19 W. Jackson Boulevard, Suite 300
Chicago, Illinois 60604

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk

Date

Michael W. Dobbins, Clerk

Paula Harrison

(By) DEPUTY CLERK

June 9, 2008

Date



RETURN OF SERVICE

Service of the Summons and Complaint was made by me.

DATE:

7/1/08 5:45PM.

NAME OF SERVER (PRINT)

SCOTT POCILUS

TITLE

INVESTIGATOR

Check one box below to indicate appropriate method of service.



R WAY TRUCKING, INC C/O ITS VICE PRESIDENT -

Served personally upon the defendant. Place where served: CHRISTOPHER G. EHRMAN AT HIS

RESIDENCE - 1747 TREND DRIVE, MORRIS, IL 60450. HE CAN BE DESCRIBED AS A

M/W, BROWN HAIR, BROWN EYES 35



Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left: _____



Returned unexecuted: _____



Other (specify): _____

STATEMENT OF SERVICES FEES

TRAVEL

SERVICES

TOTAL

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

7/1/08

Date

Scott Pocius

Signature of Server

Address of Server

THE ARGUS AGENCY INC.
1480 RENAISSANCE DR. STE 200
PARK RIDGE IL 60068

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)	
OF NORTHERN ILLINOIS PENSION FUND)	
AND WELFARE FUNDS,)	
)	
Plaintiff,)	
)	No. 08 C 3308
v.)	
)	Judge Der-Yeghiayan
)	
R WAY TRUCKING, INC.)	
an Illinois corporation,)	Magistrate Judge Mason
)	
Defendant.)	

AFFIDAVIT IN SUPPORT OF
ATTORNEYS' FEES

NOW COMES the undersigned, JOHN J. TOOMEY, upon being first duly sworn,
deposes and states as follows:

1. The undersigned is counsel of record in Case No. 08 C 3308.
2. Affiant is an attorney licensed to practice law in the State of Illinois since 1978.

Affiant is admitted to the trial Bar of the Northern District of Illinois, the Central District of Illinois and the Seventh, Eighth, Second, Eleventh Circuit Courts of Appeal, U. S. Tax Court and the United States Supreme Court.

3. The time spent in the case are as follows, were reasonably necessary in the prosecution of the case, and no paralegals were used:

June 9, 2008	Open file; draft complaint and summons and file with court	2 hours
July 3, 2008	Return of service filed with the court	.5 hours
July 22, 2008	Draft Motion for Judgment in Sum Certain	1.5 hour

Court appearance on Motion for Judgment
in Sum Certain

1.0 hour

4. The costs expended in prosecuting the case are:

Filing fee	\$350.00
Service of process Argus Agency	\$113.00
Total	\$463.00

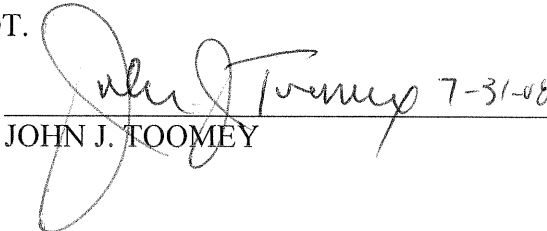
5. Reasonable value of such services is One Hundred Eighty Five Dollars per hour:

\$185.00 x 5. hours	\$925.00
---------------------	----------

6. The total in fees and costs expended are:

Attorneys' fees	\$925.00
Costs	\$463.00
Total	\$1,388.00

FURTHER AFFIANT SAYETH NOT.


JOHN J. TOOMEY 7-31-08

JOHN J. TOOMEY
ARNOLD AND KADJAN
19 W. Jackson Boulevard
Chicago, Illinois 60604
(312) 236-0415

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)	
OF NORTHERN ILLINOIS PENSION FUND)	
AND WELFARE FUNDS,)	
)	
Plaintiff,)	
)	No. 08 C 3308
v.)	
)	Judge Der-Yeghiayan
)	
R WAY TRUCKING, INC.)	
an Illinois corporation,)	Magistrate Judge Mason
)	
Defendant.)	

AFFIDAVIT

RICHARD SIEBERT, upon being first duly sworn deposes and states as follows:

1. Affiant is employed by the Suburban Teamsters Welfare and Pension Fund ("Funds") as an auditor, is familiar with the R Way Trucking, Inc. audit ("Employer"), having examined its books and records to determine what amounts if any were due and owing the Funds, and is also familiar with the parties' agreement concerning contributions, liquidated damages and interest owed.

2. That an audit of Employer's books and records was performed on April 5, 2008 covering the period August, 2007 through November, 2007 and found to be owing:

Pension	\$1,805.63
Welfare	\$2,729.73

3. That Employer was given copies of the audit and given notice of findings and has made no effort to pay or settle.

4. That the audits including liquidated damages and interest totals \$4,535.36.

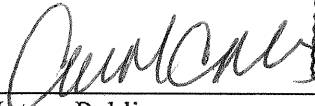
6. That Affiant suffers from no disability and can so testify and affirm such facts.

FURTHER AFFLIANT SAYETH NOT.



RICHARD SIEBERT

SUBSCRIBED AND SWORN
to before me this 22nd day of
July, 2008.



Notary Public



**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)	
OF NORTHERN ILLINOIS PENSION FUND)	
AND WELFARE FUNDS,)	
)	
Plaintiff,)	
)	No. 08 C 3308
v.)	
)	Judge Der-Yeghiayan
)	
R WAY TRUCKING, INC.)	
an Illinois corporation,)	Magistrate Judge Mason
)	
Defendant.)	

ORDER OF JUDGMENT

This matter coming to be heard upon Plaintiff's Motion for Judgment in a sum certain and the court being fully advised in the premises,

IT IS HEREBY ORDERED AS FOLLOWS:

That judgment is entered in favor of the Plaintiff TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS WELFARE AND PENSION FUNDS and against the Defendant, R WAY TRUCKING, INC., an Illinois corporation in the amount of \$5,573.36.

Date:

Entered:

JUDGE DER-YEGHIAYAN